

Message Text

CONFIDENTIAL

PAGE 01 JERUSA 01498 310710Z
ACTION NEA-11

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-05 H-01
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15
ICA-11 HA-05 /083 W
-----019079 311901Z /43

R 301438Z MAY 78
FM AMCONSUL JERUSALEM
TO SECSTATE WASHDC 1018
INFO AMEMBASSY AMMAN
AMEMBASSY BEIRUT
AMEMBASSY CAIRO
AMEMBASSY DAMASCUS
AMEMBASSY TEL AVIV
AMEMBASSY JIDDA
USMISSION USUN NEW YORK

C O N F I D E N T I A L JERUSALEM 1498

E.O. 11652: GDS
TAGS: PBOR, PDEV, IS, JO
SUBJECT: ARABS MAY RAISE COURT CASE TO EVICT SETTLERS FROM SHILO

REF: (A) JERUSALEM 1469
(B) 1977 JERUSALEM 1300

1. ARABS FROM QARYUT HAVE BEEN IN CONTACT WITH THE
AMERICAN FRIENDS LEGAL AID OFFICE IN JERUSALEM TO
DISCUSS RAISING A COURT CASE TO EVICT THE GUSHM EMUNIM SETTLERS
AT SHILO, ACCORDING TO JIM FINE THE OFFICE DIRECTOR. THE
ARABS, WHO HAVE BEEN ENCOURAGED BY AN ISRAELI SUPREME COURT
INJUNCTION HALTING DEVELOPMENT AT NABI SALIH (REFTEL),
WILL ARGUE THAT THEY OWN THE LAND ON WHICH THE GUSH CAMP
HAS BEEN SITED AND, FURTHERMORE, THAT THERE IS NO GOI
DECISION TO ALLOW A SETTLEMENT OR EVEN AN ARCHEOLOGICAL DIG
THERE. FINE SAID THE HEADMAN OF QARYUT WAS WELL-
INFORMED AND EAGER TO SEEK THE COURT ACTION.
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 JERUSA 01498 310710Z

2. AS AT NABI SALIH, MOST OF THE LAND ON WHICH THE
SHILO SETTLEMENT IS NOW LOCATED IS UNCULTIVATED (MIRI) LAND.
ALTHOUGH HE HAS NOT YET CHECKED LAND REGISTRY RECORDS,
FINE BELIEVES IT PROBABLY FALLS WITHIN VILLAGE BOUNDARIES
AND WAS REGISTERED UNDER THE BRITISH MANDATE TO INDIVIDUALS.
IF SO, HE BELIEVES THE VILLAGES CASE WOULD BE A

STRONG ONE. FINE POINTED OUT THAT IF THE ISRAELI SUPREME COURT ULTIMATELY RULES THAT SUCH LAND IS PRIVATE AND NOT SUBJECT TO EXPROPRIATION FOR CIVILIAN SETTLEMENT, THEN WIDE AREAS OF THE WEST BANK, PERHAPS THE MAJORITY, WILL BE OFF LIMITS TO ISRAELI SETTLEMENT.

3. ACCORDING TO THE "JERUSALEM POST" MAY 28, THE NABI SALIH FENCE HAS BEEN REMOVED. MEANWHILE, THE "POST" REPORTS, MAY 29, GUSH EMUNIM'S POLITICAL SECRETARY GERSHOL SHOFAT HAS URGED THAT THE GOI FIND NEW WAYS OF TAKING POSSESSION OF ARAB-OWNED LAND IN THE WEST BANK TO EASE JEWISH SETTLEMENT. SHOFAT REPORTEDLY SUGGESTED EXPROPRIATION OF LAND ON SECURITY GROUNDS OR AMENDING THE LAW.

4. ON A RELATED QUESTION, JERUSALEM MUNICIPAL PLANNERS HAVE CRITICIZED THE RECENT MOD PLAN WHICH INCLUDES SETTING UP THREE SATELLITE CITIES AT AL JIB, EFRAT AND MA'ALE ADUMIN. ACCORDING TO THE "JERUSALEM POST" MAY 30, THE PLANNERS FEAR THAT THE NEW CITIES TO HOUSE 20,000 FAMILIES WOULD DRAW SETTLERS FROM HOUSING DEVELOPMENTS WITHIN THE CITY LIMITS, E.G. GILO AND RAMOT, AND, HENCE, ADVERSELY AFFECT THE JEWISH MAJORITY IN JERUSALEM. PLANNERS ALSO OBJECTED TO "RIBBON DEVELOPMENT" WHICH MIGHT ARISE ALONG THE

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 JERUSA 01498 310710Z

ROUTES CONNECTING THE MORE DISTANT SATELLITIES WITH JERUSALEM.

5. COMMENT: WE WONDER TO WHAT EXTENT THE GOI WILL ALLOW AN ESSENTIALLY POLITICAL OBJECTIVE--SETTLEMENT OF THE WEST BANK--TO BE COMPROMISED BY LEGAL CONSTRAINTS. AS THE GUSHM EMUNIM HAS SUGGESTED, THE GOI DOES NOT LACK WAYS OF IMPOSING SETTLEMENTS EVEN IF THE COURT DECISION SHOULD BE FAVORABLE. HOWEVER, EITHER PUBLICALLY ACKNOWLEDGED EXPROPRIATIONS OR THE KNESSET'S AMENDING A LAW IN EFFECT IN OCCUPIED TERRITORIES (WHICH BEGINS TO LOOK LIKE ANNEXATION) WOULD PLAY BADLY IN WORLD AND LOCAL PRESS AND MIGHT PRODUCE A SHARP REACTION FROM THE ARAB WORLD. (IN THIS REGARD IT HAS BEEN INTERESTING TO NOTE THE INCREASING ATTENTION AND SYMPATHETIC TREATMENT GIVEN IN SEVERAL ISRAELI PAPERS TO THE ARAB CAUSE OVER THE EXPROPRIATION ISSUE.) EXPROPRIATIONS FOR SETTLEMENTS WOULD NOT BE NEW (REF B, PARA 3). IN THE PAST, THEY HAVE USUALLY TAKEN PLACE QUIETLY OR WERE JUSTIFIED, INITIALLY ANYWAY, ON SECURITY GROUNDS.

NEWLIN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ARABS, LAND SETTLEMENT, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978JERUSA01498
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780227-1086
Format: TEL
From: JERUSALEM
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978058/aaaaagrx.tel
Line Count: 116
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0e9a2aa2-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 JERUSALEM 1469
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 23 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2753757
Secure: OPEN
Status: NATIVE
Subject: ARABS MAY RAISE COURT CASE TO EVICT SETTLERS FROM SHILO
TAGS: PBOR, PDEV, IS, JO
To: STATE
Type: TE
vdkgvwkey: odbs://SAS/SAS.dbo.SAS_Docs/0e9a2aa2-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014